



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 126-00
21 April 2000

[REDACTED]

Déar [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 12 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The records provided for the Board's review are incomplete. However, available records reflect that you enlisted in the Navy on 22 November 1995 for four years at age 22. You served without incident until 28 June 1996 when you received nonjudicial punishment (NJP) for a one-day period of unauthorized absence. Thereafter, you were advanced to MSSN (E-3) and served without further incident until 9 June 1999, when you received a second NJP for disrespect, wrongful appropriation, and unlawful entry. On 19 November 1999 you were honorably released from active duty, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. A copy of the Fitness Report and Counseling Record submitted upon separation was not on file in the record.

An RE-4 reenlistment code means an individual is ineligible for reenlistment without prior approval of Commander, Navy Personnel Command and is assigned to those who are not recommended for reenlistment. The Board noted your contentions to the effect that you were a team player and an outstanding leader, that

during a deployment you lost both grandparents and your girlfriend had a miscarriage, and you believe you deserve a second chance. The Board also noted that you received an NJP within the last five months of your enlistment. Absent a Fitness Report showing that you were recommended for both advancement and reenlistment and the time of your separation, the Board concluded that the assigned reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director